

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A9786

Stanley BIELAK

Appln. No.: 10/755,036

Group Art Unit: 2426

Confirmation No.: 7885

Examiner: Hyun J. HONG

Filed: January 8, 2004

For: **SYSTEM FOR INSERTING INTERACTIVE MEDIA WITHIN A PRESENTATION
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated May 27, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-3, 6, 8-13, 16-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huggins (U.S. Publication 2004/0225743) in view of Stirpe (U.S. Publication 2002/0087496) further in view of Roelens (U.S. Publication 2005/0021811) further in view of Joao (U.S. Publication 2003/0110215) further in view of Theall (U.S. Publication 2005/0108619). Applicant respectfully traverses this rejection.

Claim 1 recites, inter alia:

A method for creating a presentation including interactive media relating to polls or quizzes, wherein the presentation is divided into a plurality of sections, said method comprising:

creating user polls and quizzes on a remote server...

adding placeholder slides corresponding to at least one of user polls, quizzes and website links, which are accessible via the remote server;...

replacing each place holder slide with at least one of a website link, a poll selected from the list of available polls and quizzes stored on the remote server, and a quiz selected from the list of available polls and quizzes stored on the remote server...

In other words, an exemplary method consistent with claim 1 includes creating a number of polls and quizzes on a remote server, adding place holder slides, which correspond to the user

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polls, and quizzes, or a website link, uploading the presentation onto the remote server, and replacing the place holder slides with the polls, quizzes, or websites stored on the remote server.

In rejecting claim 1, the Examiner selectively maps features from the claims onto the applied references without regard to the entire context of the claim and Applicant respectfully submits that the Examiner has thereby misconstrued the applied references. Specifically, the Examiner asserts that Huggins teaches adding place holder slides, but acknowledges that Huggins does not teach creating polls and quizzes, or replacing place holder slides with a corresponding quiz or poll as claimed. Instead, the Examiner asserts that Stirpe teaches these features. Applicant respectfully submits that the Examiner has misconstrued the applied references.

Huggins is directed to a streaming media creation tool. With respect to the claimed “adding place holder slides corresponding to at least one of user polls, quizzes, and website links...”, the Examiner refers to Fig. 10 without any further argument or explanation. However, Fig. 10 merely shows a screen capture of the media creation tool and provides no teachings regarding adding a place holder slide. Fig. 10 at best shows a screen which can be used to add slides, but fails to teach adding a slide to serve as a place holder. Further, the Examiner acknowledges that Huggins does not provide any teachings regarding creating a poll or quiz, or even inserting a pre-existing poll or quiz into a presentation. Applicant notes that Huggins provides no teachings regarding any aspect of polls or quizzes. Further, Huggins does not provide any teachings regarding inserting websites. Thus, Applicant respectfully submits that if Huggins provides no teachings regarding polls and quizzes, Huggins cannot teach or even suggest “adding placeholder slides **corresponding to at least one of user polls, quizzes and website links, which are accessible via the remote server**”.

Further, the Examiner asserts that Stirpe teaches creating polls and quizzes on a remote server and replacing placeholder slides with a website link, poll, or quiz selected from a list of available polls and quizzes stored on the remote server. However, Applicant respectfully submits that Stripe actually provides no teachings regarding “replacing place holder slides” as claimed. Instead, Stirpe actually teaches incorporating polling and/or testing directly when the presentation is being created. *See* Paragraph [0107], lines 1-6. In other words, Stirpe actually teaches the question/poll being inserted directly when the presentation is created and thus does

not teach “replacing each place holder slide with at least one of a website link, a poll selected from the list of available polls and quizzes stored on the remote server, and a quiz selected from the list of available polls and quizzes stored on the remote server” as claimed. Further, if the questions/polls are inserted directly, no place holder slide is being inserted into the presentation. Thus, Stirpe not only fails to teach “replacing each place holder slide with at least one of a website link, a poll selected from the list of available polls and quizzes stored on the remote server, and a quiz...”, Stirpe also fails to teach or even fairly suggest inserting “placeholder slides corresponding to at least one of user polls, quizzes and website links, which are accessible via the remote server”. Thus, Stirpe cannot cure the above discussed deficiencies of Huggins. None of the other references cures these deficiencies.

Further, claim 1 also recites, *inter alia*: “recording information ... said information including the end-user’s identity, how far the end-user watched said presentation, what the end user has scored on a quiz, feedback provided by the end-user on a poll, and how much elapsed time the end-user spent viewing each of the plurality of sections of the presentation”

In rejecting claim 1, the Examiner acknowledges that Huggins, Stirpe, and Roelens all fail to teach these features. Instead, the Examiner asserts that paragraphs [0036] and [0041] of Joao teach this feature. However, the Examiner also acknowledges that Huggins, Stirpe, Roelens, and Joao all fail to teach the presentation being divided into a plurality of sections and asserts that Theall teaches this feature. Again, the Applicant respectfully submits that the Examiner has misconstrued the applied references.

The paragraphs of Joao relied on by the Examiner merely describe a central processing computer being able to monitor the user’s progress, i.e. what the student has viewed to monitor progression through the course/presentation materials. *See* Paragraph [0041]. However, claim 1 recites a number of specific features that are monitored and recorded, in addition to how far the end-user has watched the presentation. Specifically, quiz scores and user poll feedback are also recorded. Further, how much elapsed time the end-user spent viewing each of the plurality of sections of the presentation is also recorded.

Joao provides no teachings regarding recording the user’s quiz scores or poll result feedback as claimed. Further, as the Examiner acknowledges, Joao does not teach or suggest the presentation being divided into sections. If Joao does not teach or suggest the presentation being

divided into sections, Joao cannot teach or even suggest recording “how much elapsed time the end-user spent viewing **each of the plurality of sections of the presentation**”.

Further, neither Roelens, nor any of the other applied references teaches recording the specific information recited in claim 1. Therefore, Applicant respectfully submits that claim 1, and all claims dependant thereon are patentable over the applied references for these additional reasons. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

Claim 2 recites, *inter alia*:

A method for playing a presentation including polls or quizzes, wherein the presentation is divided into a plurality of sections, said method comprising:

... **selecting from a table of contents being displayed on a display device of a local computer, content related to at least one of a poll and a quiz to be accessed by the end user;**...

displaying the at least one of a poll and a quiz to be accessed by an end-user;

recording information regarding an end-user’s usage of said presentation, said information including **an end-user’s identity, how far the end-user watched said presentation, what the end user has scored on a quiz, feedback provided by the end user on a poll, how much time the end-user spent watching said presentation and how much elapsed time the end-user spent viewing each of the plurality of sections of the presentation.**

As discussed above, Applicant submits that the applied references fail to teach or even fairly suggest the features highlighted above. Therefore, Applicant submits that claim 2, and all claims dependent thereon are patentable for reasons analogous to those discussed above with respect to claim 1.

Claim 3 recites, *inter alia*:

A method of communicating between a presentation program; said program being stored on a computer readable medium executable by computer, and a remote server including interactive media when a presentation is being viewed by a user, said method comprising:...

receiving a stream of data from the server, **including placeholder data related to at least one of a poll and a quiz to be accessed by a user;**...

retrieving the at least one poll and quiz related to the received placeholder data from the remote server...

recording information regarding each user’s usage of said presentation, wherein said information **includes a user’s identity, how far the user watched said**

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presentation, what the user has scored on a quiz, feedback provided by the user on a poll, , and how much elapsed time the user spent viewing each of the plurality of sections of the presentation...

As discussed above, Applicant submits the applied references fail to teach or even fairly suggest the features highlighted above. Therefore, Applicant submits that claim 3, and all claims dependent thereon are patentable over the applied references for reasons analogous to those discussed above.

Claims 4, 5, 14, and 15

Claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huggins in view of Stirpe further in view of Roelens further in view of Joao further in view of Theall, as applied to claim 1 above, and further in view of Coughlin (U.S. Publication 2003/0034999). Further, claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huggins in view of Stirpe further in view of Roelens further in view of Joao further in view of Theall as applied to claim 1 above, further in view of Mills (U.S. Publication 2004/0010470). Further, claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huggins in view of Stirpe further in view of Roelens further in view of Joao further in view of Theall further in view of Coughlin as applied to claim 14 above, further in view of Mills. Applicant respectfully traverses this rejection.

Claim 4, 5, 14, and 15 all depend from claims 1 and 3, which have been shown above to be patentable over the above discussed references. Coughlin and Mills do not cure the deficiencies of the other references. Therefore, Applicant respectfully submits that these claims are patentable at least by virtue of their dependency and respectfully requests that the rejection of these claims be withdrawn

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